

RESOLUTION NO. 6411-2022

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL APPROVING  
A CONDITIONAL USE PERMIT FOR A RESIDENTIAL DEVELOPMENT IN A PLANNED COMMUNITY (PC) ZONE  
DISTRICT AND A TENTATIVE MAP  
FOR THE PROPERTY AT 7950 BODEGA AVENUE  
(APN 004-350-024)

WHEREAS, an application for a zoning amendment to modify the zoning from Multifamily Residential (R7) to a Planned Community (PC), a Conditional Use Permit to develop a residential development in a PC district and a Tentative Map for a 10-Unit townhome project known as Huntley Square (the "Project"), was filed on January 21, 2020, by Bob Massaro, which consists of subdividing a vacant 0.39 acre parcel (APN 004-350-024) into 10 lots and four common areas, to be developed with 10 townhome-style studio units, landscaped areas, and parking. Parking will be provided via a surface parking lot on a common area lot; and

WHEREAS, with the approval of the Conditional Use Permit, the proposed Project will be consistent with the subject property's General Plan designation of High Density Residential and proposed Zoning Designation of Planned Community; and,

WHEREAS, the Project, as conditioned, is consistent with the High Density Residential Land Use designation of the General Plan and General Plan goals and policies, as follows:

- a) Goal LU 6 as it provides a housing option that is smaller and therefore more affordable to a wider range of household types.
- b) Policy LU 6-2 as it promotes compact urban form that provides residential opportunities in close proximity to various community services and transit.
- c) Policy LU 6-3 as it supports the construction and occupation of very small houses.
- d) Housing Goal A-1 as it is an adequate site for housing development in the City of Sebastopol.
- e) Housing Action A-1 as it helps ensure sufficient developable land is planned and zoned to accommodate the City's RHNA.
- f) Housing Goal C-1 as it facilitates new housing production.
- g) Housing Policy C-4 as it provides new housing to meet a range of income levels, including market-rate housing, and a variety of housing sizes and types.
- h) Housing Goal F-1 as it promotes energy conservation in residential development through its numerous energy efficient features as described in the application.

- i) Housing Goal G-1 as it promotes land use policies and development standards to facilitate housing production.
- j) Housing Goal G-3 in that if the rezoning is approved, the Project removes government constraints that affect the amount of land required for new housing.
- k) Housing Policy G-1 in that if the rezoning is approved, the Project provides provisions for a greater range of housing types, such as tiny houses to encourage opportunities for special needs and affordable housing.
- l) Goal CIR 2 in that as part of the Project improvements, Bodega Avenue will be widened along the project frontage to accommodate bike lanes and a new sidewalk, which helps maintain and expand a safe and efficient pedestrian and bicycle network connecting neighborhoods with key destinations and encouraging travel by non-automobile modes while also improving public health.
- m) Goal COS 9 as it promotes conservation of energy and other natural resources through its numerous energy efficient features as described in the application.
- n) Policy COS 9-1 as it will meet and comply with CALGreen Tier 1 standards.
- o) Policy COS 9-2 as energy conservation is an important criterion in the development review process.

WHEREAS, granting a zoning amendment to modify the zoning from R7 to PC is appropriate as in accordance with SMC 17.445.030(B)(2), the Project:

- a) Is compatible with the general objectives of the General Plan, as it implements residential development in a residential zone; the units are smaller units which will provide additional variety to the City's housing stock by providing smaller for-sale units; and
- b) Is in conformity with public convenience, general welfare and good land use practice, in that the site is zoned for the proposed residential use and density; and
- c) Will not be detrimental to the public health, safety and general welfare, as the use will not have significant environmental impacts with the incorporation of mitigation measures and conditions of approval, including construction management requirements; and
- d) Will not adversely affect the orderly development of property, as the site will be residential within a block of other residential development of similar scale.

WHEREAS, granting a Conditional Use Permit to permit development within a PC zoning district, which allows for the modifications of certain zoning regulations for the Project is appropriate as it complies with SMC 17.415.030 as detailed below:

- a) The proposed use is consistent with the General Plan and all applicable provisions of SMC Chapter 17 as the project is consistent with the intent and density requirements of the General Plan HDR land use designation as well as multiple General Plan goals and policies as detailed

above in the Analysis section of the Staff Report. The project complies with all applicable provisions of SMC Chapter 17 as detailed in the Staff Report.

- b) The establishment, maintenance, and operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area of such use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. The requested changes to the Zoning regulations were found to meet the above findings by the City's Design Review Board at its April 21, 2021 meeting; by the Planning Commission at its November 9, 2021, meeting; and, by the City Council at its March 1, 2022, meeting:
  - i) The Zoning Ordinance allows for multi-family residential development of the same density and the same general site development characteristics, with no major discrepancies proposed.
  - ii) The size and use of the proposed development is appropriate for the site. The proposed project includes one- and two-story residential structures and the surrounding properties are occupied by one- and two-story residential structures.
  - iii) The Project will utilize existing fencing, or provide new as needed, and provide landscaping to serve as a buffer and provide compatibility between adjacent properties.
  - iv) The Project will provide sufficient amenities including landscaping, the required number of parking spaces, private yards, and storage space for each unit.
  - v) The lot is 16,972 sq. ft. and exceeds the 12,000 sq. ft. minimum lot size.
  - vi) As shown in the Lot & Unit Area Calculations table on sheet A1.0 of the site plan, the Project will provide 1,989 sq. ft. of open space, so the 50 square feet of open space per unit requirement is met.
  - vii) The proposed project will provide additional for-sale housing opportunities within walking distance of existing residential, commercial, and recreational uses.
  - viii) The change from a 9 foot to 8 foot setback is minimal and will not create a significant change in the development pattern or have significant impacts to surrounding properties.
  - ix) The minimum lot size of the individual lots combined with the common area is appropriate for the development is appropriate for a smaller lot subdivision.
  - x) The reduction of the project's internal sideyard setbacks to 0' is appropriate for an attached single family (townhome) development.
- c) The Design Review Board/Tree Board reviewed this proposed change at their April 21, 2021 meeting, determined this adjustment was appropriate, and unanimously voted to forward this recommendation to the Planning Commission.
- d) The Planning Commission held a public hearing on November 9, 2021, and unanimously found the PC zoning to be compatible with the surrounding uses and zoning, and unanimously recommended approval of the PC zoning and Conditional Use Permit to City Council.
- e) The City Council, at its March 1, 2022, meeting, found that the PC Zoning is compatible with the surrounding uses and zoning, and meets the requirements for the granting of a Conditional Use Permit.

WHEREAS, granting a Tentative Map for the Project is appropriate as it complies with SMC 16.28.070(A) in that:

- a) The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, and other applicable provisions of this code as the Project is consistent with the intent and density requirements of the General Plan HDR land use designation as well as multiple General Plan goals and policies as detailed in the Analysis section of the Staff Report. The Project complies with all applicable provisions of SMC Chapter 17.
- b) There is no specific plan for the Project site.
- c) The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any guidelines promulgated by the City Council.
  - i. The Project is required to comply with the California Green Building Standard Code (CalGreen) requirements for energy efficient buildings and appliances, including Tier 1 standards required by the City of Sebastopol (which are higher than the base State requirements for green design). CalGreen Standards require that buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant- emitting finish materials. The project also incorporates many sustainable features which help reduce energy consumption, such as:
    - A highly insulated, tightly sealed building envelope, with heat recovery fresh air ventilation
    - High quality windows
    - Solar photovoltaic system
    - LED lighting throughout
    - Energy efficient appliances and low flow water fixtures
    - Durable and low maintenance exterior materials
    - There will be No Natural Gas installed at the site, which coupled with the solar array will push the project to true “Zero Net Energy” which are homes that produce as much energy as they consume

WHEREAS, the Project was the subject of an Initial Study and Mitigated Negative Declaration prepared in compliance with the California Environmental Quality Act (CEQA), which was circulated for public comment from September 28, 2021, to October 27, 2021, including CEQAnet and the Federated Indians of the Graton Rancheria, consistent with local and State CEQA requirements, and complies with CEQA Guidelines Section 15074 as detailed in the CEQA resolution.

WHEREAS, on April 21, 2021, the Design Review Board conducted a preliminary review of the proposed Conditional Use Permit and Tentative Map for the Project and provided a recommendation to the Planning Commission and City Council to approve the proposed Conditional Use Permit and Tentative Map as proposed; and

WHEREAS, the applicant made adjustments to the proposal based on Design Review Board and community comments as follows:

- Concerns about no parking space for guests

- The City has no guest parking ordinance, but the applicant added nine public parking spaces on Bodega Avenue that can be used by guests.
- Concerns over the mature oak tree on the adjacent property to the east
  - The applicant will hand dig for piers as recommended by the City's Arborist.
- Concerns about delivery trucks using the access easement
  - The applicant has included site signage prohibiting delivery trucks on the easement and has created a delivery zone on Bodega Avenue.
- Concerns about garbage trucks using the access easement
  - The applicant reworked how trash will be collected so that it will be rolled out to Golden Ridge Avenue and garbage trucks will not enter the Project site.
- Concerns over damage to the access easement by construction vehicles
  - The applicant has committed to repairing any damage caused during construction and will abide by the easement maintenance agreement signed in 1993, attached to the staff report.
- Neighbors requested that residents and guests of the Project have access to the Project site by a means other than the easement
  - The applicant added stairs to the retaining wall along Bodega Avenue so guests can walk up the stairs to the homes from the street; and

WHEREAS, the Project has been considered at additional previous preliminary review public meetings including Planning Commission preliminary review on October 25, 2016 and October 8, 2019; City Council Preliminary review on February 7, 2017 and October 29, 2019; and

WHEREAS, on November 9, 2021, the Planning Commission conducted a duly-noticed Public Hearing, received a staff report, heard public testimony and considered the applications for a zoning amendment to modify the zoning from R7-Multifamily to PC - Planned Community District', a Conditional Use Permit for development in a PC district and a Tentative Map and proposed Mitigated Negative Declaration (MND) for CEQA; and

WHEREAS, the Planning Commission unanimously adopted PC Resolution 21-02 recommending the City Council adopt the a Mitigated Negative Declaration (MND) for the Project based on the findings of fact; and,

WHEREAS, The City of Sebastopol Planning Commission further unanimously adopted a separate Resolution 21-03 recommending City Council approve of the Project entitlements, including a zoning amendment to modify the zoning from R7-Multifamily to PC - Planned Community District', a Conditional Use Permit for development in a PC district, and the Tentative Map; and

WHEREAS, on March 1, 2022, the City Council held a duly noticed public hearing, received a staff report, accepted public testimony, and duly considered the application for a Conditional Use Permit for development in a PC district and a Tentative Map, as well as the Mitigated Negative Declaration for the California Environmental Quality Act; and

WHEREAS, The City of Sebastopol City Council has adopted a Mitigated Negative Declaration (MND) for the Project in a separate Resolution based on the findings of fact of the Adopting of Resolution No.

6410-2022.

NOW, THEREFORE, BE IT RESOLVED THAT, The City Council of the City of Sebastopol, California, does hereby Approve, based on the findings above and subject to the Conditions of Approval in Exhibit B:

1. A Conditional Use Permit to allow the residential development in a PC district with the zoning standards as specified in the proposed Ordinance;
2. A Tentative Map, included in Exhibit A, to subdivide a vacant 0.39-acre parcel into 10 lots and four common areas, to be developed with 10 townhome-style studio units, landscaped areas, and parking.

The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the City Council on the 1<sup>st</sup> day of March, 2022, by the following vote:

**VOTE:**

Ayes: Councilmembers Glass, Gurney, Rich, Vice Mayor Hinton and Mayor Slayter  
Noes: None  
Absent: None  
Abstain: None

APPROVED:



Mayor Patrick Slayter

ATTEST:



Mary Gourley, Assistant City Manager/City Clerk, MMC



Larry McLaughlin, City Attorney

**Attachments:**

Exhibit A: Tentative Map

Exhibit B: Conditions of Approval



## **EXHIBIT B**

### **CONDITIONS OF APPROVAL**

7950 Bodega Avenue  
File # 2020-005

1) Zoning amendment to modify the zoning from R7 to a Planned Community (PC), 2) Conditional Use Permit, 3) Tentative Map, and 4) Initial Study/Mitigated Negative Declaration (IS/MND)

1. Plans and elevations shall be in substantial conformance with plans submitted by Healthy Buildings Management Group, Inc. on August 31, 2021, and on file at the City of Sebastopol Planning Department, except as modified herein. Any modifications to the plans shall be reviewed and approved by Staff prior to modification. Any modifications to the approved plans shall be submitted to the Planning Department in writing detailing the changes prior to submitting to the Building Division.
2. The applicant shall provide documentation as needed for compliance with the environmental mitigations listed in the Initial Study / Mitigated Negative Declaration prepared for the project, as detailed in condition #16.
3. The project's open spaces shall be maintained by the property owner, not by the City.
4. The project site includes protected trees intended to remain. Protective measures are required for these trees. All final tree protection measures shall be submitted for review and approval by the City Arborist prior to issuance of Improvement Plans.
5. A Tree Removal permit is required for the any trees proposed for removal.
6. Design Review approval is required by the Design Review Board for the design of the units, site features, landscaping, and other amenities.
7. Granting the Certificate of Compliance does not imply approval of any development plan for the subject properties. Any proposed development plan must comply with all current Planning, Engineering, Building, and Fire Department standards.
8. The project shall be subject to impact fees as adopted by Council.
9. The applicant shall transmit by certified mail a copy of the conditionally approved Tentative Map together with a copy of Section 66436 of the State Subdivision Map Act to each public entity or public utility that is an easement holder of record. Written compliance shall be submitted to the City of Sebastopol.
10. The Tentative Map shall expire 24 months after its approval or conditional approval unless an extension is approved as provided in SMC 16.28.100 and in accordance with the State Subdivision Map Act.
11. All other approvals than the Tentative Map shall be valid for three years, except that the applicant may request a one (1) year extension of this approval from the Planning Director, pursuant to Section 17.250.050 of the Zoning Ordinance.

12. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.

13. The City of Sebastopol and its agents, officers and employees shall be defended, indemnified, and held harmless from any claim, action or proceedings against the City, or its agents, officers and employees to attach, set aside, void, or annul the approval of this application or the environmental determination which accompanies it, or which otherwise arises out of or in connection with the City's action on this application, including but not limited to, damages, costs, expenses, attorney's fees, or expert witness fees.

**14. Building and Safety:**

- a. All construction and construction related activities shall be in conformance with current California Building, Residential, Electrical, Mechanical, Plumbing, Fire, Energy and Green Building Codes, and the City of Sebastopol Municipal Code.
- b. For the building permit submittal, 5 sets of plans are required along with 2 sets of calculations and reports.
- c. The Planning Conditions of Approval shall be printed on plan sheets in the plan set.
- d. The project is required to comply with CalGreen at the Tier I level excluding Division A4.2 Energy Efficiency, as adopted and amended by the City. The worksheets can be located on the City's website on the building department page. The worksheets are to be printed on plan sheets in the plan set.
- e. The project is required to comply with the City's Mandatory Photovoltaic System Requirements.
- f. The project is required to comply with the City's Row House Policy.
- g. A geotechnical report is required along with the building permit submittal.

**15. Fire Department. The following shall be required:**

- a. Automatic Fire Sprinklers Suppression System.
- b. Fully monitored Building:
- c. Fire Alarm Control Panel (FACP)
- d. Smoke and Heat Detection
- e. Horns and Strobes Notification
- f. Rapid Entry SupraSafe System (Knox Box)
- g. 24/7/365 Monitoring by Alarm Company
- h. Additional New Fire Hydrants as required
- i. Include a condition for tentative map re: hydrant maintenance

**16. CEQA Mitigation Measures**

**Aesthetics**

AES-1: Construction fencing shall be placed along the periphery of the project site to screen construction activity from view.

**Air Quality**

AQ-1: Basic measures to control dust and exhaust shall be utilized during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated

with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:

- i. All haul trucks transporting soil, sand, and other loose material off-site shall be covered.
- ii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per week. The use of dry power sweeping is prohibited.
- iii. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- iv. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- v. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- vi. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- vii. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

## **Biological Resources**

### **BIO-1: Special-status and Common Bats**

- i. To avoid impacts on special-status and common bat species within the project site, the following protection measures shall be implemented.
- ii. Prior to tree removal or trimming (for all trees greater than 6 inches DBH), a qualified biologist shall survey for bat roosts. If active bat roosts are identified, disturbance shall not be allowed until the roost is abandoned or unoccupied. If the qualified biologist determines special-status bat species are present, CDFW consultation may be required.
- iii. If occupied roosting habitat is identified by the qualified biologist, disturbance of roost trees shall not be allowed until the roost is abandoned or unoccupied and/or CDFW is consulted. If bats are present, a number of deterrent methods can be used to encourage bats to relocate (for non-CDFW listed species). This could include changes to lighting, air flow patterns, and noise disturbance. Exclusion methods shall be developed based on the species present and location of occupied roosts. Bat exclusion shall not be performed during the maternity season (June through August) or during winter hibernation (November through February). Bat exclusion shall be overseen by a qualified biologist. This could only occur in March, April, May, September, and October.
- iv. If tree trimming or removal is postponed or interrupted for more than two weeks from the date of the initial bat survey, the biologist shall repeat the pre-construction survey.
- v. Construction shall be limited to daylight hours to avoid interference with the foraging abilities of bats and other nocturnal wildlife.

### **BIO-2: Nesting Birds**

- i. To the extent feasible, vegetation and tree removal shall occur during the non-breeding

- season (late August to early March) to limit the potential for birds to nest within the project site.
- ii. To avoid potential losses of nesting native birds, if work occurs from February through August, preconstruction breeding bird surveys shall be completed for special-status, migratory birds, and raptors. The preconstruction surveys shall be conducted within two weeks prior to initiation of vegetation clearing, tree removal and trimming, or other construction related activities within vegetated areas. The survey shall be completed within the construction area and an appropriate buffer around it.
  - iii. If the biologist finds no active nesting or breeding activity, then work can proceed without restrictions.
    - a. If active raptor or owl nests are identified within 100 feet of the construction area or active nests of other birds are identified within 50 feet of the construction area, a qualified biologist shall determine whether or not construction activities may impact the active nest or disrupt reproductive behavior. If it is determined that construction would not affect an active nest or disrupt breeding behavior, construction can proceed without restrictions. The determination of disruption shall be based on the species' sensitivity to disturbance (which can vary among species); the level of noise or construction disturbance and the line of sight between the nest and the disturbance.
    - b. If a qualified biologist determines that construction activities would likely disrupt breeding or nesting activities, then a no-disturbance buffer shall be placed around the nesting location. The no-disturbance buffer shall include the active nest or breeding areas plus a 50-foot buffer for small songbirds and a 100-foot buffer for larger birds (e.g., raptors, owls); buffer distances are applicable for urban settings with existing levels of human disturbance. Construction activities in the no disturbance buffers shall be avoided until the nests have been vacated.
    - c. If the site is left unattended for more than one week following the initial surveys, additional surveys shall be completed. If state and/or federally listed birds are found breeding within the area, activities shall be halted, and consultation with the CDFW and USFWS should occur to identify how to proceed.

### BIO-3: Native Trees

- i. Where compatible with safety requirements, pruning instead of removal for mature oaks shall be considered. To offset the impacts from removal of protected trees, replacement trees shall be planted, following the Tree Ordinance ratios and species with replacement of native oaks with native oaks, to provide similar benefits to the site and community. If on-site planting of an adequate number of native trees is not possible, off-site planting of native oaks in a suitable nearby location (e.g., a City park) shall be considered.
- ii. Protective measures defined in the Tree Preservation and Mitigation Report shall be followed during construction activities to minimize impacts to trees that will be retained.

### Cultural Resources

#### CR-1: Post-Review Discovery

- i. If a prehistoric or historic-era resource(s) is encountered by equipment operators during project-related ground-disturbing activities, work shall be halted within 50-feet of the discovery area until a Secretary of Interior-qualified Archaeologist is retained to inspect the material and provide further recommendations for appropriate treatment of the resource.

## CR-2: Human Remains

- i. If human remains are encountered within the project area, all work shall stop within 100-feet of the discovery area, the area shall be secured to prevent further disturbance, and the Sonoma County Coroner shall be notified immediately. The Coroner will determine if the remains are pre-contact period Native American remains or of modern origin and if there are any further investigation by the Coroner or Sonoma County Sheriff is warranted. If the remains are suspected to be those of a pre-contact period Native American, the Coroner shall contact the NAHC by telephone within 24-hours. The NAHC will immediately notify the person it believes to be the most likely descendant (MLD) of the remains. The MLD has 48-hours to make recommendations to the landowner for treatment or disposition of the human remains. If the MLD does not make recommendations within 48-hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the descendant's recommendations, the owner or the descendant may request mediation by NAHC. According to the California Health and Safety Code, six (6) or more human burials at one (1) location constitute a cemetery (Section 8100), and willful disturbance of human remains is a felony (Section 7052). An archaeologist shall also be retained to evaluate the historical significance of the discovery, the potential for additional remains, and to provide further recommendations for treatment of the site in coordination with the MLD.

## Noise

NOI-1: Prior to Grading Permit issuance, the applicant shall demonstrate, to the satisfaction of the City Engineer, that the project complies with the following:

- i. Construction hours are specified as 7:00 a.m. to 8:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturdays.
- ii. During construction, the contractor shall ensure all construction equipment is equipped with appropriate noise attenuating devices that will reduce noise levels 3 to 10 dBA.
- iii. The contractor shall locate equipment staging areas in order to create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.
- iv. Idling equipment shall be turned off when not in use.
- v. Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.

PRIOR TO APPROVAL OF THE SITE IMPROVEMENT PLANS, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

### **Final Map**

17. A Final Map and prepared by a licensed surveyor or civil engineer, shall be prepared and submitted for the review and approval of the City Engineer. The map shall conform to the requirements of the Subdivision Map Act and local ordinances. The Final Map submitted for review and approval shall be substantially consistent with the Tentative Map approval which is granted for 10 residential townhouse lots; common parcel areas for parking and vehicle egress, landscaped open space, and pedestrian and bicycle access. Upon recording of the map, the subdivision is valid.

18. All property corners of lots within the subdivision shall be monumented with no less than 3' long by 1/2" diameter galvanized steel pipe imbedded no less than 24" into the earth, except as expressly permitted in writing by the City Engineer.
19. The following notes shall appear on the Local Agency sheet of the Final Map:
  - a. "Building Permits shall be subject to payment of development fees in effect at the time of permit issuance."
20. The Final Map shall state:
  - a. The assessor's parcel number
  - b. Total area of land being subdivided (in acres)
  - c. Total number of lots being created
21. The applicant shall either complete the required construction prior to recordation of the Final Map or enter into an Improvement Agreement and post security with the City of Sebastopol prior to the filing of the Final Map, agreeing to complete the required construction within 24 months after the filing of the Final Map. The Improvement Agreement shall be recorded with the Final Map.
22. Prior to approval of a Final Map, final CC&R's shall be submitted for review and approval by the City Attorney, Planning Department, and City Engineer that implement the project as presented in the project application materials and these conditions of approval. This shall include ongoing obligations of the homeowners associated to maintain improvements within the subdivision.
23. The Final Map and CC&Rs for the development shall specify that the units must be owner-occupied for a minimum of one year, following which they may be rented to long-term renters with a minimum of a six-month lease.
24. The CC&Rs for this development to include details regarding the maintenance of common and/or private open space located on the project site, which must also include a prohibition of the use of nonbiodegradable and toxic chemicals in maintenance of both common and private open space areas.
25. The applicant shall execute a covenant running with the land on behalf of itself and its successors, heirs, and assigns agreeing to annex this subdivision into the existing City of Sebastopol Lighting Assessment District.
26. Easement and Driveway Maintenance Agreement recorded on June 23, 1993 with Recorder's Serial Number 93-77433 shall be dedicated on the Final Map and via a separate easement deed.
27. The applicant shall dedicate a Public Utilities Easement for the onsite public waterlines up to and including the fire hydrants and water meters.

#### **Improvement Plans — General**

28. Improvement Plans prepared by a Registered Civil Engineer shall be submitted for the review and approval of the City Engineer showing grading, paving, utilities, and drainage. The Improvements Plans shall include street and utility information including all concrete

curb and gutter, sidewalk, striping and signing, paving, water lines and sewer lines, erosion control and any necessary transitions for the portion of the public street fronting the development. All improvements shall be in accordance with the City of Sebastopol Standard Improvement Details. Improvement Plans shall include a Storm Water Pollution Prevention Plan including winterization and erosion protection.

29. The Improvement Plans must be evaluated by an arborist to assess the impact of the development on any existing trees and develop a site-specific Tree Protection Plan. Improvement Plans shall include the location and size of all existing trees to be removed, and trees to remain. Trees on adjacent property which overhang the project boundary shall be afforded equal protection. Improvement Plans shall show all measures identified in the Tree Protection Plan as needed, to protect trees during construction.
30. The Improvement Plans shall include detailed landscape construction drawings for work proposed in the public right of way.
31. Any trees planted within 10 feet of a public street curb shall include a root barrier acceptable to the City Engineer and the City Arborist.
32. The Improvement Plans shall include an onsite signing and striping plan which clearly delineates traffic control and parking restriction requirements.
33. The project shall include post-construction stormwater BMPs in accordance with the City's Low Impact Development manual and Section 15.78 of the Municipal Code.

#### **Improvement Plans — Specifics**

34. Interior Drive Aisle: The applicant shall construct the drive aisle over the Access Easement with a minimum of 3 inches of asphalt over a minimum of 12 inches of aggregate base. Because the drive aisle also serves as emergency vehicle access, the surface shall be constructed to the satisfaction of the Fire Marshall.

#### **Soils**

35. The applicant shall submit to the City of Sebastopol for review and approval, a detailed Soils Report certified by a Civil Engineer registered in the State of California and qualified to perform soils work. The report shall include a minimum of geotechnical investigation with regard to liquefaction, expansive soils, and seismic safety. The report shall also include pavement recommendations based on anticipated subgrade soils and traffic loads. The grading and improvement plans shall incorporate the recommendations of the approved Soils Report.

#### **Undergrounding**

36. During construction all utility distribution facilities on site shall be placed underground, except surface-mounted transformers, pedestal mounted terminal boxes, meter cabinets, and fire hydrants. Appropriate easements shall be provided to facilitate these installations.

#### **Streets, Traffic & Circulation**

37. No pervious paving or stamped concrete shall be installed in the existing or future public

right of way.

38. Any additional proposed pavement removal and re-paving will be subject to the review and approval of the City Engineer.

### **Grading**

39. The applicant shall submit to the City of Sebastopol for review and approval, a grading plan prepared by a Registered Civil Engineer; shall obtain a Grading Permit; and shall post sufficient surety guaranteeing completion.
40. The grading plan shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved.
41. The grading plan shall clearly show areas of possible soil contamination, along with the appropriate steps to deal with contaminated soils.
42. Both temporary and permanent erosion control plans shall be submitted for review and approval along with the grading plan. Permanent erosion control measures shall include hydroseeding of all graded slopes within 60 days of completion of grading.
43. If the site will require import or export of dirt, the applicant shall submit in writing the proposed haul routes for the trucks and equipment. The haul routes must be approved by the City prior to import/export work commencing.

### **Storm Drain**

44. The applicant shall submit to the City of Sebastopol for review and approval, drainage plans, hydrologic, and hydraulic calculations prepared by a Registered Civil Engineer. The drainage plans and calculations shall indicate the following conditions before and after development:
  - a. Quantities of water, water flow rates, drainage areas and patterns and drainage courses. Hydrology shall be per current Sonoma County Water Agency Standards.
  - b. Project drainage shall be designed using the 10-year storm average flow and 100-year peak flow.
45. No drainage may discharge across sidewalks. Roof leaders shall be piped to the adjacent gutter or paved area.
46. Any proposed bioswales must be wholly contained outside of the existing or proposed public right of way.
47. All storm drain inlets shall be permanently marked using a permanent polyurethane marker with the legend, "No Dumping – Drains To Creek."
48. The applicant shall demonstrate for each building pad to the satisfaction of the City of Sebastopol as follows:
  - a. Feasible access during a 10-year frequency storm.

## **Water**

- 49.** The applicant shall install new domestic, irrigation and fire service laterals to serve the new buildings. All water mains shall be sized to provide adequate fire flows to the buildings. All water services shall be provided with back flow prevention devices in accordance with State and City standards.
- 50.** New water laterals shall be constructed in accord with City Standards. Meter locations shall be subject to approval by the Sebastopol Public Works Department. The Improvement Plans shall show water services to each building.
- 51.** Fire protection shall be in accord with the requirements of Sebastopol Fire Department. With the submittal of the improvement plans, calculations shall be provided to the City and the Sebastopol Fire Department to ensure that adequate water pressures are available to supply hydrant flows and sprinkler flows.
- 52.** New water mains and fire hydrants must be constructed and functional prior to the issuance of the building permit.
- 53.** All hydrants shall be covered with bags indicating that the hydrant is not active until flow tests are completed by the City and the hydrants are approved.
- 54.** All aboveground back flow hardware shall be screened with an architectural screen compatible with adjacent buildings.

## **Wastewater (Sanitary Sewer)**

- 55.** A sanitary sewer application shall be submitted to the Building Department for review and approval. Discharge permits for individual uses shall be subject to the requirements of the City of Santa Rosa Utilities Department, Environmental Compliance Division, for Sewer Use Permits.
- 56.** Any new sewer mains shall be private and shall be so noted on the improvement plans.

PRIOR TO CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

- 57.** No construction shall be initiated until the Improvement Plans have been approved by the City, all applicable fees have been paid, an encroachment permit and/or grading permit has been issued and a project schedule has been submitted to the City Engineer and a pre-construction conference has been held with the City Engineer or his designee.
- 58.** Applicant shall secure encroachment permits from the City prior to performing any work within the City right of way or constructing a City facility within a City easement.
- 59.** Applicant must file a Notice of Intent to Comply With the Terms of General Permit to Discharge Storm Water Associated with Construction Activity (NOI) with the State of California Water Resources Control Board, and obtain a permit, prior to commencement of any construction activity.

DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

60. All construction shall conform to the latest approved edition of City Standard Details and Specifications, all City Ordinances, the State Map Act, and the approved plans.
61. The applicant shall complete all water and wastewater improvements, including pressure and bacterial testing and raising manholes and cleanouts to grade prior to connection of any buildings to the City water or wastewater systems.
62. All tree protection fencing must be installed and inspected prior to commencement of grading operations. Fencing shall be maintained throughout the construction period.
63. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sonoma County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
64. Prior to placing of asphalt, all underground utilities shall be installed and service connections stubbed out behind the sidewalk. Public utilities, Cable TV, sanitary sewers, and water lines shall be installed in a manner which will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.
65. Prior to placing the final lift of asphalt, all sanitary sewer lines shall be video inspected at the expense of the contractor/applicant. All video tapes shall be submitted to the City. If any inadequacies are found, they shall be repaired prior to the placement of the final lift of asphalt.
66. The contractor shall be responsible for providing erosion and pollution control in accordance with the approved plans and permits.
67. The contractor shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the City Engineer.
68. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
69. Hours of work for both public improvements and private improvements shall be limited to the hours of 7:00 a.m. to 8:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturdays. This includes warm-up or servicing of equipment and any preparation for construction. Violation of these working hours shall be deemed an infraction and upon conviction thereof, shall be punishable as prescribed by law.
70. Throughout the construction of the project, dust control shall be maintained to the satisfaction of the City and the contractor shall be responsible to implement reasonable measure to cure any problems that may occur.

71. If the existing public streets are damaged during construction, the contractor/applicant shall be responsible for repair at no cost to the City.
72. If, during construction, the contractor damages any existing facilities on the neighboring properties (i.e. fences, gates, landscaping, walls, etc.) contractor shall be responsible to replace all damaged facilities.

**PRIOR TO OCCUPANCY, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:**

73. Prior to acceptance of improvements or occupancy of the buildings, existing curb, gutter and sidewalk to remain shall be inspected by the Public Works Superintendent. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced.
74. All streets shall be paved, all public utilities installed and all signage relating to traffic control (stop signs, etc.) shall be installed.
75. All improvements shown in the Improvement Plans for any individual parcel deemed necessary for the health, safety and welfare of the occupant and general public shall be completed prior to occupancy of that parcel.
76. The civil engineer/land surveyor shall file Elevation Certificates for the dwellings in the subdivision.

**PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:**

77. Sufficient surety guaranteeing the public improvements for a period of one year shall be provided.
78. A complete set of As-Built or Record Improvement Plans on the standard size sheets will be certified by the Civil Engineer and returned to the City Engineer's office prior to final acceptance of the public improvement. In addition, the plans shall be submitted electronically in pdf format. These plans shall show all constructive changes from the original plans including substantial changes in the size, alignment, grades, etc. during construction, and any existing utilities that were unknown on the original plans but discovered during construction. The contractor shall pay a fee for having the improvements put into the City Base Map.